

PE2083/D: Review the rules to ensure that no dog becomes more dangerous as a result of breed specific regulations

Minister for Victims and Community Safety written submission, 11 July 2024

Thank you for your letter of 18 June 2024 addressed to the Minister for Agriculture and Connectivity, Jim Fairlie MSP, regarding [the Citizen Participation and Public Petitions Committee's ongoing consideration of petition PE2083](#).

I am responding to you as I have portfolio responsibility for dog control and dangerous dog related policy matters, including the new safeguards that have been introduced in relation to XL Bully dogs.

The Committee can be assured that the Scottish Government recognises that there are a variety of views in this sensitive policy area and I fully understand that there are some people who will have disagreed with the policy and the steps taken. However, the Scottish Government decided that action was necessary and justified to respond to a situation arising from UK Government decision making.

As [I made clear in my statement to Parliament on 18 January 2024](#), the policy decision to introduce new safeguards in relation to XL Bully dogs in Scotland follows as a direct result of the UK Government decision to introduce controls on XL Bully dogs in England and Wales. With the UK Government failing to fully consider the implications for Scotland of allowing dog owners in England and Wales to evade the controls in England and Wales by disposing of their dogs in Scotland, the Scottish Government decided this action was needed to address growing public safety and animal welfare concerns. This UK Government decision was announced with no notice given to the Scottish Government, and with no prior wider public consultation.

As the Committee is aware, the Scottish Government is taking a two-stage approach for the new XL Bully safeguards in Scotland. The first stage of the new rules, as set out in The Dangerous Dogs (Designated Types) (Scotland) Order 2024, came into force on 23 February 2024. From that date, XL Bully owners must ensure their dogs are muzzled and on a lead when in a public place. Breeding, selling, gifting or exchanging XL Bully dogs is also now prohibited. I would stress however that it remains legal to own an XL Bully dog.

The second stage of the new rules, as set out in The Dangerous Dogs (Compensation and Exemption Schemes) (Scotland) Order 2024, will come into force on 1 August 2024. From that date it will be an offence to own a XL Bully dog without an exemption. Owners of an XL Bully dog will therefore need to apply for an exemption on or before 31 July 2024 to be able to continue owning their dog. Full details are available on the Scottish Government website:

<https://www.gov.scot/publications/xl-bully-dog-rules/pages/overview/>

Turning now to the specific points raised in your letter.

Summit on responsible dog ownership and control

The Committee is seeking further details of the planned summit on responsible dog ownership and control, specifically whether this summit will include owners of XL bully dogs and provide an opportunity to consider the impact regulations are having on XL bully dogs and their owners. This summit is planned to take place in September 2024.

Both Jim Fairlie and I agree that more can be done to improve public safety by ensuring that dogs are responsibly acquired, owned and looked after. The September summit will be in Edinburgh and will bring together attendees from a wide range of organisations, including Police Scotland, local authorities, veterinary bodies, public health and third sector organisations to consider how dog control and public safety can be improved upon. The summit relates to general dog control and dog welfare matters and does not have a focus on XL Bully dog. That said, those invited to attend will be free to raise issues of concern to them and it is likely the XL Bully dog safeguards will likely be discussed.

The Scottish Government recognises the importance of engaging with and hearing from XL Bully dog owners on the impact of the new safeguards on XL Bully dogs. The Committee may also wish to be aware that Scottish Government officials have previously met with the petitioner to discuss the XL Bully safeguards. In addition, Scottish Government officials have also engaged with a significant number of citizens, stakeholders, and XL Bully dog owners through responding to hundreds of items of correspondence and also through an XL Bully dog enquiries email mailbox to set out the Scottish Government's policy on XL Bully dogs. There has been advice and support offered when dealing with a range of queries on the safeguards on XL Bully dogs. The Scottish Government have engaged through written correspondence with the representatives from the 'Stop the XL Bully Ban in Scotland' campaign group.

Additional measures to ensure more responsible dog ownership and the welfare of dogs

The Committee has requested information on any additional measures that might be put in place to ensure more responsible dog ownership and the welfare of dogs.

As noted in the previous [letter to the Committee from the Scottish Government Criminal Law, Practice and Licensing Unit dated 12 March 2024](#), the Scottish Government takes dog welfare very seriously and is committed to the highest possible welfare standards. There is however a balance to be struck between protecting dog welfare and protecting public safety.

Before implementing the new safeguards in regard to ownership of XL Bully dogs, the Scottish Government met with a range of expert stakeholders to inform the way forward, including: the Scottish SPCA, the Dogs Trust, individual clinical dog behaviourists, the British Veterinary Association and the National Dog Warden Association.

The most appropriate approach for owners of XL Bullies who are concerned about the welfare of their dog is to consult with their vet who will be familiar with the dog,

will be able to offer tests if appropriate, and will be able to monitor any changes in the dog's condition.

Prior to the action being taken in relation to XL Bully dogs, the Committee may be interested to know that a Scottish Government led Working Group was established in 2022 to assist with taking forward a commitment to review the Dangerous Dogs Act 1991 ("the 1991 Act"). The focus of the review was on the criminal offence in the 1991 Act of a dog being dangerously out of control. The working group has undertaken this review, and the Scottish Government is now considering the wide range of views offered to determine what may be appropriate as next steps.

[The Minutes of Working Group meetings have been published on the Scottish Government website.](#)

There has also been a considerable amount of activity in the area of dog control policy. The Control of Dogs (Scotland) Act 2010 ("the 2010 Act") provided powers for local authorities to respond to incidents of dog owners allowing their dogs to be out of control in public places by imposing Dog Control Notices (DCNs). [The Scottish Government updated operational guidance for the 2010 Act in December 2020.](#) This reflected the first decade of use of the 2010 Act and built on best practice to assist local authorities in discharging their responsibilities.

The Scottish Government introduced a national DCN database in 2022 which is helping independent enforcement agencies (local authorities and Police Scotland) access information on dog owners who allow their dogs to be out of control.

Breed definition/conformation standard

The Committee has requested information on the verification of XL bully dog characteristics, including the capacity of veterinarians and other professional bodies to undertake this verification.

As the Committee will be aware, the breed definition/conformation standard developed by the UK Government for dogs in England and Wales is also being used by the Scottish Government for dogs in Scotland to ensure a consistency of approach across Scotland, England and Wales:

[https://www.gov.scot/publications/applying-xl-bully-breed-type-conformation-standard-scotland/.](https://www.gov.scot/publications/applying-xl-bully-breed-type-conformation-standard-scotland/)

The Scottish Government will not be involved in the assessment process. Owning a dog brings with it responsibilities and it is initially an owner led process. However, the conformation standard guidance document is also intended to be used to assist all of those involved in the operation of the safeguards relating to XL Bully dogs in Scotland. This includes law enforcement, local authorities and animal welfare organisations.

With regard to the capacity of veterinarians and other professional bodies to undertake verification, the guidance in relation to XL Bully dogs on the Scottish Government website is clear that it is the responsibility of owners to check if their dog is an XL Bully.

[The Scottish Government website contains information for vets](#) that clearly sets out that:

'It is the responsibility of owners to check if their dog is an XL Bully. If they are not sure, they should follow the XL Bully safeguarding rules as a precaution.

As a vet, you do not have any enforcement role. We do not expect you to report XL Bully dogs or their owners to the police, or to keep copies of their exemption certificates.'

Muzzle training

The Committee has also requested examples of the training being provided to dog owners to help them introduce muzzle wearing for their dogs and ensure muzzles are used safely.

There are various organisations that can help with advice for dog owners on how to muzzle their dog. This includes:

- The Dogs Trust (<https://www.dogstrust.org.uk/dog-advice/training/outdoors/muzzle-training>)
- PDSA (<https://www.pdsa.org.uk/pet-help-and-advice/pet-health-hub/other-veterinary-advice/how-to-muzzle-train-your-dog>)
- Edinburgh Dog and Cat Home (<https://edch.org.uk/services/muzzle-training/>)

I trust that this information is of interest to the Committee.

Yours sincerely,

SIQBHIAN BROWN